

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Fidelia Orozco,

NO. C 04-05001 JW

Plaintiff(s),

v.

**ORDER SETTING DEADLINE FOR  
FILING RULE 68 OFFER AND  
STIPULATED PROPOSED JUDGMENT**

Sherman Acquisition Limited Partnership,

Defendant(s).

On June 22, 2005, Plaintiff filed an "Acceptance of Defendant Sherman Acquisition Limited Partnership's Rule 68 Offer of Judgment." Since that time, however, there has been no further activity in the case.

Rule 68, Fed.R.Civ.P., requires the parties to file the Rule 68 offer and notice together so that a final judgment may be entered accordingly. Therefore, Plaintiff is hereby ordered to file the offer, notice, and stipulated proposed judgment no later than October 21, 2005. If Plaintiff fails to do so by October 21, 2005, the Court will dismiss the action pursuant to Rule 41(b), Fed.R.Civ.P.

Dated: September 21, 2005

04cv5001rule68

/s/James Ware

JAMES WARE

United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 John Karl Rossman [rossmanj@moss-barnett.com](mailto:rossmanj@moss-barnett.com)

3 June D. Coleman [jcoleman@mpbf.com](mailto:jcoleman@mpbf.com)

4 Mark Ewell Ellis [mellis@mpbf.com](mailto:mellis@mpbf.com)

5 Scott Maurer [smaurer@scu.edu](mailto:smaurer@scu.edu)

6 **Dated: September 22, 2005**

**Richard W. Wieking, Clerk**

7 **By: /s/JW Chambers**

**Ronald L. Davis**

**Courtroom Deputy**